

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DANA ALLEN,

Case No. 22-cv-355 (ECT/JFD)

Plaintiff,

v.

THE PRUDENTIAL INSURANCE
COMPANY OF AMERICA,

**PRETRIAL
SCHEDULING
ORDER**

Defendant.

Pursuant to Rule 16 of the Federal Rules of Civil Procedure and the Local Rules of this Court, and in order to secure the just, speedy, and inexpensive determination of this action, the following schedule shall govern these proceedings. This schedule may be modified only upon a showing of good cause as required by Local Rule 16.3.

DISCOVERY AND DEADLINES

Discovery is allowed in ERISA disability benefit cases only if the parties agree or upon Court order. In this case, the parties do not currently anticipate the need for discovery.

1. Defendant shall disclose the entire Administrative Record to Plaintiff on or before **July 29, 2022**.
2. All motions which seek to add parties must be filed on or before **June 3, 2022**.
3. All motions which seek to amend the pleadings must be filed on or before **June 17, 2022**.
4. All non-dispositive motions shall be filed and served on or before **July 15, 2022**.

5. All dispositive motions must be filed on or before **February 17, 2023**, as further explained below.

NON-DISPOSITIVE MOTIONS: GUIDELINES

When possible, the parties should bring discovery disputes to the Court using the Court's process for informal dispute resolution (IDR). One or both parties can contact the Court via phone or email to set a prompt (usually within 2-3 business days) telephone conference to discuss the issues. Two days before the hearing, the parties shall email (not file) the Court either a joint letter setting forth their respective positions or separate letters. If the parties submit separate letters, they must serve a copy on the opposing side unless they have received prior permission from the Court to submit the letters ex parte. Letters should be concise and focus on narrowing the issue in dispute as much as possible. Both sides must agree to use the informal process to resolve discovery disputes. If either side objects to using this process, a formal motion must be filed.

If formal non-dispositive motions are filed, they must comply with the Electronic Case Filing Procedures for the District of Minnesota, with Local Rules 7.1 and 37.1, and be in the form prescribed by Local Rule 37.2. **Judge Docherty prefers not to receive courtesy copies, unless the motions contain or refer to documents that are not filed on ECF, in which case those documents should be emailed to Docherty_chambers@mnd.uscourts.gov.** All non-dispositive motions shall be scheduled for hearing by calling the Judicial Assistant to Magistrate Judge Docherty at 651-848-1180, prior to filing, except when all parties are in agreement that no hearing is required. Such an agreement shall be expressly set forth in the notice of motion. Counsel are advised not

to notice additional motions for hearing on an already existing hearing date without first contacting the Court for permission to do so.

A “meet and confer” requirement applies to IDR and formal motion practice. Parties must attempt to confer through personal contact, rather than solely through written correspondence or email. Whether parties raise non-dispositive disputes informally or through traditional motions, the parties must engage in a focused meet and confer process in a sincere effort to resolve or narrow the disagreement.

DISPOSITIVE MOTIONS: GUIDELINES AND DEADLINES

All dispositive motions must be filed and served by the moving party on or before **February 17, 2023**. Counsel for the moving party should schedule the hearing shortly before filing their motion papers by calling the Courtroom Deputy for Judge Eric Tostrud at **651-848-1190**. The parties must comply with Local Rule 7.1 and the Electronic Case Filing Procedures Guide, Civil Cases.

When scheduling a summary judgment hearing, the parties must notify the Court whether there will be cross-motions for summary judgment so that the Court may enter an appropriate briefing order. The parties should confer about the possibility of cross-motions before contacting chambers to schedule a summary judgment hearing.

Two courtesy copies of all memoranda and one courtesy copy of all supporting documents should be delivered to Judge Tostrud’s chambers no later than the next business day after documents are filed on ECF. Judge Tostrud prefers that the courtesy copies be three-hole punched; unstapled; printed double-sided, if feasible; and, if voluminous, appropriately tabbed.

SETTLEMENT

The parties are required to engage in serious and focused negotiations in a meaningful effort to resolve this case. The Court will hold a telephonic status conference on **July 7, 2022 at 9:00 a.m.** to discuss the progress of settlement talks.

Date: May 3, 2022

s/ John F. Docherty
JOHN F. DOCHERTY
United States Magistrate Judge